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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,785	01/30/2002	Philip Ted Kortum	P21782	4132

7055 7590 06/01/2006

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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2614

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,785

Applicant(s)

KORTUM ET AL.

Examiner

Gerald Gauthier

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-19, 22-34, 37 and 38 is/are rejected.
- 7) ☒ Claim(s) 14, 15, 20, 21, 35 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/17/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. **Claims 14, 15, 20, 21, 35 and 36** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1, 2, 5-13, 16-19, 22, 23, 26-34,37 and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al (US 6,456,699) in view of Norton et al. (US 6,510,411 B1).

Regarding **claims 1, 19 and 22**, Burg discloses on Fig. 6, item 200 Fig. 7, receiving a call to the IVR system.

Burg discloses on Fig. 2, presenting a main menu with a plurality of messages.

Burg failed to disclose "each menu message representing a procedure".

However, Norton teaches a task oriented dialog manager (column 5, lines 36-51).

It would have been obvious to one skilled at the time the invention was made to modify the menu items of Burg to have the "each menu message representing a procedure" as an alternate as taught by Norton such that the modified system would be able to support the system users conveniences of providing procedures through the IVR menus.

Burg discloses on column 7 line 30, IVR prompts (claimed “prompting the caller to select”).

Burg discloses on Fig. 2, presenting a sequence of sub-menus to the caller according to a selection by the caller. For example, the caller selects item 26 Fig. 2, the sequence of sub-menus (item 31 and its next level sub-menus) are presented.

Burg discloses on column 12 lines 64-65, IVR system pauses at the termination point and waits for the user to provide additional instructions. Burg et al teach on column 3 lines 43-44, waiting for a response within a specified time.

Burg discloses on Fig. 7, “COULD YOU REPEAT THAT” to confirm the caller’s selection.

Regarding **claims 2 and 23**, Burg discloses on Fig. 7, “I’m sorry, could you repeat that” and “3rd attempt yes/no?” and back to step 203 of Fig. 7.

Regarding **claims 5 and 26**, Burg discloses see exemplary menus as stated in claim 1 above. The “Credentials are required.” of Sub-menu message 1-1 is the claimed “presenting a summary of the instructions”. This summary is presented after the caller selects menu option 1.

Regarding **claims 6, 7, 27 and 28**, Burg discloses see exemplary menus as stated in claim 1 above. The “Driver license and credit card are the only credentials required for registration” is the claimed “presenting summary of instructions after the

sequence of instructions has been presented". This summary is also immediately presented after the caller's selection. Any time period is considered as "immediately" unless Applicant's current specification defines the time period for the limitation of "immediately".

Regarding **claims 8, 11, 29 and 32**, Burg discloses rejections as stated in claim 2 above apply.

Burg discloses the re-presented instruction is "a previously presented instruction".

Regarding **claims 9, 13, 16, 17, 30, 34, 37 and 38**, Burg discloses on column 10 lines 42-58, the user can return (reads on claimed "a request by the caller") to the previous menu. By referencing the exemplary menus, the caller returns to "Menu option 1". The message "New Customer Registration" is the claimed "additional information" which is followed by recommencing the sequence of instructions "Sub-menu message 1-1" and "Sub-menu message 1-2".

Regarding **claims 10 and 31**, Burg discloses "querying the caller after the caller has performed a task".

Regarding **claims 12 and 33**, Burg discloses "querying the caller as to whether the procedure was performed correctly".

Regarding **claim 18**, Burg discloses caller selection at item 11 Fig. 1. In response to the caller's selection, sub-menus are presented (for example, ACCESSORIES).

6. **Claims 3 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg in view of Norton as stated in claim 2 above, and further in view of O'Sullivan (US 5,493,608).

Burg in combination with Norton fails to disclose "transferring the.....of times".

However, O'Sullivan teaches on column 1 line 66 to column 2 line 2, the IVR forwards the caller to an operator if the caller does not respond within the response time (reads on claimed "after instruction has been re-presented to the caller").

It would have been obvious to one skilled at the time the invention was made to modify Burg in combination with Norton to have the "transferring the.....of times" as taught by O'Sullivan such that the modified system would be able to support the transferring caller to an operator to the system users.

7. **Claims 4 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg in view of Norton as stated in claim 1 above, and further in view of Dewan (US 6,654,447).

Burg in combination with Norton fails to disclose, "pausing the instructions in response to a command by the caller".

However, Dewan teaches on column 2 lines 14-16, a caller may pause the message played by the IVR.

It would have been obvious to one skilled at the time the invention was made to modify Burg in combination with Norton to have the "pausing the instructions in response to a command by the caller" as taught by Dewan such that the modified system would be able to support the system users conveniences of pausing the instructions.

Response to Arguments

8. Applicant's arguments with respect to **claim(s) 1-38** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



GERALD GAUTHIER
PATENT EXAMINER

GG

May 30, 2006

Gerald Gauthier
Examiner
Art Unit 2614